

REMARKS

Claims 2-4 are pending in the present application. Claim 2 is herein amended. New claims 3 and 4 have been added. No new matter has been entered.

Specification Objection

The Office Action objected to the specification due to the spelling of "canceled." Paragraphs 16-18 of the specification have been amended to change "canceled" to "cancelled." Withdrawal of the objection is requested.

Claim Rejections - 35 U.S.C. § 102

Claim 2 was rejected under 35 U.S.C. § 102(b) as being anticipated by **Ciccarelli** (U.S. 4,263,510). Favorable reconsideration is requested.

Claim 2 has been amended to recite that the specimen support has positioning members which are capable of positioning the white X-ray generating means and the X-ray detecting means relative to each other in either a first position or a second position without the use of a goniometer. The present specification points out that an improvement over the prior art is that a goniometer is not required. The use of the goniometer complicates the device and increases the size of the device, and the use of a goniometer requires time for rotation operation and measuring at each position of movement. (*See, e.g.,* specification, paragraph 3.)

Applicants respectfully submit that Ciccarelli does not disclose:

a specimen support interposed between said white X-ray generating means and said X-ray detecting means, said specimen support having positioning members which are capable of positioning said white X-ray generating means and said X-ray detecting means relative to each other in either a first position or a second position without the use of a goniometer

as recited in amended claim 2.

The device in Ciccarelli has a goniometer 12 for rotation operation and measuring. Therefore, Ciccarelli does not disclose the elements as recited in claim 2.

For at least the foregoing reasons claim 2 is patentable over the cited reference. Accordingly, withdrawal of the rejection is requested.

New Claims

New claim 3 recites that the specimen support has positioning members which are capable of positioning the white X-ray generating means and the X-ray detecting means relative to each other in either a first position or a second position without the use of a specimen rotation mechanism. The present specification points out that an improvement over the prior art is that no specimen rotation mechanism is required so that the structure of the device is simplified making construction of the device simpler and also making the device more portable. (*See, e.g.,* specification, paragraph 9.)

Ciccarelli discloses a rotational drive 30 for rotating the platform and specimen holder 18. Thus, Ciccarelli does not disclose the elements as recited in claim 3.

New claim 4 recites a data processing means. The data processing means obtains third data which is data regarding diffracted X-rays and is based on a difference between the first data and second data. The data processing means also obtains data regarding fluorescent X-rays from the difference between the first or second data and the third data. (*See, e.g.,* specification, paragraph 13.)

Ciccarelli does not disclose a means which obtains third data regarding diffracted X-rays and data regarding fluorescent X-rays. In other words, the device in Ciccarelli does not have the data processing means. Hence, the device in Ciccarelli cannot obtain third data which is data regarding diffracted X-rays and is based on a difference between said first data and second data, and cannot obtain data regarding fluorescent X-rays from the difference between the first or second data and third data. Therefore, Ciccarelli does not disclose the elements as recited in claim 4.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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